

OLLY Disciplinary Procedure

Disciplinary Rules

- OLLY requires good standards of discipline from its employees. These disciplinary procedures apply to any misconduct. The procedure is referred to in the Contract of Employment but is not contractual.
- The purpose of the procedure is to be corrective rather than punitive and it should be recognised that the existence of procedures such as these is to help and encourage the employee to achieve and maintain standards of conduct and attendance and to ensure consistent and fair treatment for all employees.
- If the employee conduct fails and, after warnings, remains below the level which is acceptable, they may be dismissed.
- The procedure will only apply to employees who have successfully completed their probationary procedure period. Probationary employees may be dismissed summarily for committing an act of misconduct during their probationary period. There will be no right of appeal against any such decision to dismiss in such circumstances.
- Summary dismissal without notice will take place if an act of gross misconduct is committed. Gross misconduct is any deliberate act by an employee that is detrimental to the good conduct of the charity's name. Examples of misconduct and gross misconduct are listed below.

Examples of gross misconduct

The following is a non-exhaustive list of examples of offences which amount to gross misconduct:

- Dishonesty
- Falsification of charity records
- Failure to comply with relevant statutory or regulatory requirements.
- Violent, abusive, or intimidating conduct
- Deliberate damage to charity's property
- Sexual, racial, or other harassment
- Unauthorised use or disclosure of confidential information
- Attending work under the influence of alcohol or non-medically prescribed drugs
- Rudeness to clients/beneficiaries
- Any action likely to bring the charity into disrepute.

- Accepting a gift which could be construed as a bribe.
- Sleeping on duty
- Breach of Health and Safety rules which endanger the health and safety of others.
- Failure to disclose correct information in the employee's application for employment
- Conviction for any serious criminal offence whilst an employee of OLLY

Disciplinary Hearings

- No disciplinary action will be taken until the case has been fully investigated.
- At all stages, the employee will be advised of the nature of the complaint and will be given the opportunity to state their case before a decision is made.
- The employee may, if they wish, be accompanied by a fellow employee or a trade union official of their choice at any disciplinary hearing.

Disciplinary Procedure

Except for acts of gross misconduct, the following procedure will normally be adopted:

- For minor breaches of discipline, or failure to achieve satisfactory standards, the line manager will give a formal verbal warning normally. This will lapse after 6 months in the absence of further offences.
- For more serious offences, or in the event of further minor transgressions, a warning will be given in writing. The line manager will normally give this warning. This lapse after 12 months in the absence of further offences.
- In the event of further repetition of the misconduct or a failure to comply with a requested improvement, or in the case of misconduct or failure to comply with standards which do not amount to gross misconduct, but which warrant a first and final warning, a final written warning will be issued by the line manager. This warning will specify that the consequences of a failure to comply will normally be dismissal. This will lapse after 12 months in the absence of further offences.
- In the event of any further misconduct or failure to achieve satisfactory standards or in the case of misconduct not amounting to gross misconduct but warranting dismissal, dismissal may result.
- In the cases of gross misconduct, the employee will normally be dismissed without notice or pay in lieu of notice or of accrued holiday pay. In exceptional circumstances, alternative disciplinary action may be taken.

Rules of suspension of staff

- Suspension will be on full pay and the employee will be informed in writing of this at the time.
- The suspension will not normally be for more than five days.

Appeals

- If the employee is dissatisfied with any disciplinary decision affecting them, they may appeal to OLLY Trustees (The management board) within five working days of the disciplinary decision.
- If the disciplinary action which is the subject of the appeal is the employee's dismissal the decision to dismiss will stand unless it is reversed on appeal.
- Any appeal must be put in writing, stating the grounds for the appeal. The appeal will be heard by two members of the Management Board (Appeal Panel) provided they have not been involved in the initial proceedings. The appeal will review but cannot increase a disciplinary penalty.
- The decision of the Appeal Panel is final. There is no further right of internal appeal.